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--Senator Frank Church

Transcript from a speech by Senator Frank Church (D-ID).
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Description: Church discusses the goals of the Senate Select Committee on Intelligence.

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Walter Pincus: Has mentioned the question of where the Agency is or where the Bureau is today. I can remember listening to Sy Hersh suggest that it's clear that either the agents are going to infiltrate the committee and embarrass it, or somehow leaks would be developed. You've got to worry about that. You've got to worry that records would be burned. I think I'd have to add one of my own, because it's probably worth noting. A few years ago, I worked for the Foreign Relations Committee. As such, I was in contact with Senator Church a fair amount of time. I think the man who's sitting here looks and sounds a lot like the Frank Church I knew. He's a little heavier, though. He's a little grayer. He's a touch less boyish. In short, I guess I'm wondering if this is the real Frank Church or if in fact this may be CIA's most spectacular caper.

I was mentioning this the other night to a friend of mine who works at the Agency. He just gave it the usual smile. They have that kind of smile when they've been drinking. Then he, as an afterthought, said, "Nobody has seen Dick Helms recently, have they?" Then just before he turned away, he said, "You know, the agency staff surgeon, the one who does the plastic surgery? Nobody's seen him, either." I think you have to keep

those things in mind.

This is an interesting investigation. I think it's a serious one. I think after 20 years of trying, the Senate's probably finally got its first shot at getting a good look at what CIA, the FBI, NSA, and a number of agencies have been doing, and it'll probably be healthy for all of us. In some ways, I don't think it's by chance that it was a piece by Sy Hersh in the Times, and then a group of pieces that followed that by Sy, that put a lot of the impetus and the idea that the Senate would do something, pieces in the Post about the FBI.

The Senate and the press, we all know, is not advocacy press. There are only a few of us who believe in that. I think the Senator could sit and tell you how Evans and Novak have helped him along by giving some information about his staff director that he probably wasn't aware of. I threw a little in myself, explained how the committee ought to run. Dave Broder the other day told the press how it ought to write about it, but on the whole we generally stay away from these things. This morning, the Senator is supposed to have seen Mr. Colby, and in light of that, I think we should be fair, grant him some kind of immunity from prosecution for any leaks that may come out of this group. I'm sure everybody here can keep a secret, and particularly if he goes off the record, maybe speaks in an accent, and allows us to quote him as a high Select Committee official. With those ground rules, I give you Senator Church.

Senator Church: Thank you very much, Walter. First of all, I'd like to say that I brought my wife along today to bear witness that I am the real Frank Church. Walter Pincus is one of the fine investigators, one of the best to ever have worked for the Senate Foreign Relations staff. I'm glad that he did, and that he now devotes himself to journalism in such an effective way. I'm proud to be introduced by him on this occasion.

I had thought perhaps that Bill Broom would do the introduction, and that he would call for a "clean sweep" or something of that sort, which ought not to be the motto of this investigation, because Senator Mansfield has given us one. When the resolution was approved by the Senate on January the 27th, Senator Mansfield outlined the balance that the Senate expects the committee to maintain. "There can be no whitewash in this inquiry," he said, "nor is there room for a vendetta."

As chairman of the committee, I intend to follow these guidelines. I am determined there will be neither a whitewash nor a vendetta, but a judicious and responsible attempt to uncover the truth. This investigation

begins only with questions. The answers will come in due course. All the members of the committee recognize that the United States must maintain an efficient intelligence system. Our government must keep itself fully and currently informed on developments abroad. It must also take those security measures necessary to counteract espionage within this country.

As for myself, not only do I recognize the value of legitimate intelligence gathering operations, but I engaged in this work during World War Two. As a young army officer, I served in military intelligence in the CBI theater. I know full well from firsthand experience the necessity in war of ascertaining the strength and disposition of enemy forces. I especially recognize the importance of discerning the enemy's intent.

But intelligence activities are equally essential in peacetime. Without an intelligence network, the United States would be left groping in a dangerous world. Without our satellite surveillance system, the SALT agreements with the Soviet Union could never have been sealed and hopes for future progress in arms control would quickly die. Without an efficient day to day intelligence operation, our government could not possibly conduct an informed foreign policy.

Therefore, it will not be the committee's purpose to undermine or dismantle the CIA or other intelligence agencies associated with it, nor to jeopardize their sources, nor endanger their agents, nor embarrass the United States with revelations which could injure our relations with foreign governments. Rather, I would hope that the investigation might strengthen the legitimate functions of these agencies by more precisely delineating their respective jurisdictions, through clarifying the gray areas of the law, by ending costly duplications of effort, and by terminating unnecessary operations.

The committee is taking every possible precaution to ensure both a secure and judicious investigation. First, the inquiry will be muted and restrained. I do not intend to preside over a legislative carnival, an investigative sideshow, or a television extravaganza. That does not mean a blackout on information. As much information as possible will be furnished as we move along. Our rule of thumb will be to hold public hearings whenever we can, and closed hearings whenever we must.

Second, the inquiry will follow the responsible example of the House Judiciary Committee in its recent impeachment investigation. The Senate Select Committee has already patterned many of its rules after the House

Committee's dignified and constructive examination of an equally serious subject.

Third, we will function in a bipartisan manner with a unified rather than a divided staff. The majority and minority members of the committee voted unanimously that the staff, though nominated from both sides, will cooperate rather than collide. A unified staff is necessary if the committee is to follow wherever the evidence may lead, without concern for the party label of the administration in which excesses may have occurred.

Finally, the committee will be staffed by individuals of good reputation and proven professional competence, skilled in investigative techniques and in the law. It will consist of individuals of unquestioned loyalty who are committed to the purposes that the committee seeks to serve. However, I recognize that competence and loyalty are not enough. Caution is also necessary, so I propose to take every feasible precaution to prevent the facts, as they are assembled, from being prematurely revealed. Thus any member of the staff who discloses unauthorized information will be fired on the spot. Every member of the staff is being given to understand at the outset these stringent security rules.

Some very serious charges indeed have been raised against the CIA, the FBI, and other federal agencies, charges that they have gone beyond the bounds of the law, that they have been used for improper political purposes, and that they have at times directed their techniques inward, not upon the enemy but upon the American people. We will determine the extent of any such transgressions. If unlawful conduct has occurred, we will disclose it.

From the findings, the committee will recommend changes in the law to shield the American people against such misdeeds in the future. In like manner, the committee may recommend reforms to eliminate wasteful duplication and to obtain a better accounting to the Congress of the actions and expenses of the intelligence gathering community.

I am confident that this investigation is not only in the public interest but that it is essential. This is an inquiry whose time is overdue. It has been half a century since the Federal Bureau of Investigation came into being. It has been nearly 30 years since the CIA was created. Both agencies operate on the fulcrum of that uneasy balance between individual liberty and collective order. If that equilibrium ever tips too far toward the former, the result is anarchy. If it tips too far toward the latter, the result is tyranny. Consequently, our police and intelligence agencies function in

the most delicate and dangerous of all realms, mandated to maintain order without impairing freedom.

Yet these agencies have not been subjected, during all these years, to an examination half as thorough as that routinely accorded the open, non-secretive bureaucracies far removed from the frontiers of our freedom. It is unfortunately true that agencies which on the face of it should require the most scrutiny by the elected representatives of the people have received the least.

The recent allegations of misconduct are so numerous and disquieting that the time has surely ripened for a serious investigation. However, our very ignorance of those who mind our safety and our liberties, at costs still undisclosed, should have impelled this much belated inquiry even in the absence of any cause for alarm. Indeed, this is not the opinion of the Senate alone, nor of the House, which has also created a committee to investigate these matters. Before either committee was established, the Ford administration investigated an investigation of its own, which it entrusted to the Vice President. Thus, both the executive and legislative branches have felt it necessary to inquire into these serious charges.

I must add, however, that the obligation is one which cannot well be handled by the administration. The executive branch cannot with sufficient credibility investigate itself. I would hope that the Rockefeller Commission, now engaged in a far more limited review, might complete its work soon and make its records available as a starting point for the more comprehensive Congressional investigations to come. The task of reviewing the activities of the executive agencies falls properly upon the legislative branch. The Constitution assigns the Congress that role.

Properly done, a Congressional inquiry into the activities of these agencies can result in a strengthening of our law enforcement and intelligence systems. Properly done, the investigation can stiffen the law against future misdeeds. If those who argue that there is nothing much amiss should prove correct, then the committee will help to clear the air. Nothing could better serve to restore public confidence, but if the charges are borne out by the facts unearthed, then reforms will have to be enacted before public confidence can ever be regained. Either way, the investigation is imperative.

I understand the dismay of many citizens who are weary of Watergate and wonder if they can endure being pummeled once again by disclosures of wrongdoing in their government. These citizens would

dearly prefer to believe that if the CIA or the FBI have erred, their mistakes were aberrations just as well ignored. To those citizens, I say that I hope that our investigation bears out this optimistic view. Nothing would satisfy me more than to conclude after a thorough inquiry that the federal police and intelligence gathering agencies have stayed well within the law and that any excesses have been few and far between.

Though we can hope that no significant portion of the charges are true, we cannot afford to assume that is the case. After all, these are charges far more crucial to the preservation of our freedom than the customary complaints about malfeasance in some ordinary bureaucracy. The charges involve the first steps towards something Americans of all philosophical views have resolved should never emerge in this land, the beginnings of a secret police.

This is not a casual matter that can be safely swept under the rug. If these charges should prove true, then it is urgent that we learn in time. If they should prove to be false, then the investigation will serve the purpose of redeeming the reputation of prestigious agencies which find their honor in upholding the law.

As we approach our 200th birthday, let us jealously safeguard our fortunate status as a free people. Freedom comes so hard to so few. Its preservation is the first responsibility of our government. Since it is upon the law that freedom must rely, it is the duty of a watchful government to certify to the people periodically that the keepers of the law are themselves obeying it.

The issue before the committee is not merely whether the people need the shield of stronger law, but whether the federal police and intelligence agencies have as repeatedly charged been lost. 45 years ago, shortly after the birth of the Federal Bureau of Investigation and two decades before there would be something called a Central Intelligence Agency, Justice Lewis Brandeis wrote what could be the watchwords of the investigation about to begin. "Decency, security, and liberty alike," he said, "demand that government officials shall be subjected to the same rules of conduct that are commands to the citizens. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example."

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not shrink from another redemptive investigation. Learning where we stand can spell the difference between arriving nine years hence at the doorstep of the Orwellian nightmare or awakening with sublime relief in the knowledge that we have, through perseverance today, confounded that dark dream of tomorrow.

Thank you very much.

- Walter Pincus:** Thank you, Senator Church. We have a lot of questions here. I only regret that our listeners over the 170 stations of Public Broadcast Radio can't get theirs in here too. For a starter, and we have a number on the procedures that you expect to put into force during the coming hearings, one. You say caution demands closed meetings "when we must." What will be your criteria for deciding when you must?
- Senator Church:** The criteria will be legitimate national security concerns. I've already indicated that there will be an area in our investigation which ought not to be made public in the interest of the government and of the country. On the other hand, where we are looking at charges that either the FBI, the CIA, or any other agency of government has reached beyond the law in spying on or conducting general surveillance of or maintaining dossiers on lawful American citizens, these are areas we will want to expose, because the public should know. In these areas, we would expect to hold public hearings.
- Walter Pincus:** A couple of questions here on your efforts to reduce leaks from your committee. Will staff members be required to take a polygraph test?
- Senator Church:** We expect by taking the precautions at the outset of making it clear to all members of the staff that the rules of discipline will be very strict, that we won't have to face that problem. We're being very careful in selecting our staff members. Each one will sign a statement indicating that he not only is familiar with the rules, but that he accepts the rules and will adhere to them. I just hope that we don't have to face the problem, and I don't think we will. It's a case where very careful precautions at the outset may avoid such problems later on.
- Walter Pincus:** We have about six questions that all say the same thing, but I've chosen this one to ask the question. What procedures do you intend to institute to avoid the kind of committee leaks that occurred in the Watergate committee, I mean leaks by Senators says the question.
- Senator Church:** Under the Constitution, Senators are elected by the people and remain

accountable to the people. There is no way that I can control the statements of Senators on this committee. Any attempt on my part to do so would be as foolish as it would prove futile. I'm just hoping that the members of the committee will exercise restraint, and I think they will.

We've discussed this. All members of the committee are aware of the highly sensitive character of this investigation, and all of the steps that have been taken so far in connection with adopting the rules that I have described to you would indicate that all of the members of the committee are mindful of their respective responsibilities.

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